

Remarks

The Amendment to the Specification

As a preliminary matter, Applicants note that the second paragraph of the specification is amended herein to reflect the claim to priority to U.S. Application No. 09/390,025, which was made in the Declaration and Power of Attorney filed concurrently with the filing of the present application on October 22, 1999. A copy of the Declaration and the date-stamped filing receipt evidencing its filing are enclosed herewith. The second paragraph of the specification is further amended herein to reflect the new attorney docket numbers of the related applications as a result of these applications being transferred to Patton Boggs LLP for prosecution. These amendments do not add any new matter.

Applicants note that the related applications cited in the second paragraph of the specification are commonly owned by InPhonic, Inc., as a result of a name change of TelecomXchange, Inc. to Simplexity, Inc. and a transfer of ownership from Simplexity, Inc. to InPhonic, Inc. on February 26, 2002. Documentation to this effect will be submitted as soon as it is available.

The Rejections Under 35 U.S.C. § 103

Claims 1-3 and 7-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,131,087 (Luke et al.), and claims 4-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Luke et al. in view of U.S. Patent No. 5,905,975 (Ausebel). Applicants respectfully traverse the present rejections and request the withdrawal thereof for at least the reasons set forth below.

The claimed invention relates to a method for distributing telecommunication services, in which a purchaser of such services inputs a purchase request, a stored set of responses capable of satisfying the requested telecommunication service are accessed, and the requester is permitted to

Amendment Under 37 CFR § 1.111
USSN 09/425,739

accept the response during the same session (Claims 1-7 and 9). The claimed invention further relates to telecommunication service-providing systems, which include (1) a server having access to a memory containing a set of response to purchase requests, and (2) a client to establish a session for (i) inputting a purchase request, (ii) accessing the stored set of responses to purchase requests for at least one response reflecting at least one telecommunication service offering capability of satisfying the requested service, and (iii) providing an acceptance to the response during the session (Claim 8). Luke et al. does not teach or suggest the presently claimed customer-oriented methods and systems.

In particular, as the Examiner recognizes, Luke et al. neither teaches nor suggests methods for distributing telecommunication services. The present method is not a new use of an old method as the Examiner purports, but rather is a different method altogether, which is unique to the problems and issues associated with telecommunication services. Issues common with telecommunication services include, for example, sellers actively soliciting buyers by such methods as door-to-door sales and telemarketing, at a time when the buyer may not be ready to purchase the services. In such cases, the sellers typically control the process over potentially less sophisticated buyers, and it is difficult for a buyer to obtain the best possible deal. Luke et al. neither teaches nor suggests the presently claimed customer-driven method in which (1) the buyer makes a purchase request for telecommunication services, (2) the buyer receives one or more responses from service providers who have indicated (in response to that particular request, in response to similar requests, or independent of any request) that they are capable of and willing to provide the requested services, and (3) the buyer has the option of accepting at least one of the responses during the same session. Luke et al. teaches none of these aspects of the claimed invention. Luke et al. merely provides two databases with various data points, which are compared to find as many close matches as possible between vendors of fungible goods and sellers. For at least these reasons, Applicants respectfully submit that none of claims 1-3 and 7-9 is obvious in view of Luke et al.

Amendment Under 37 CFR § 1.111
USSN 09/425,739

Applicants further submit that Ausebel does not make up for the deficiencies of Luke et al. In particular, Ausebel relates to improving auctions, which is a seller-driven process. Like Luke et al., the Ausebel reference neither teaches nor suggests a customer-driven system for telecommunication services. Accordingly, Applicants respectfully submit that claims 4-6 are not obvious over Luke et al. in view of Ausebel.

Because Luke et al. neither teaches nor suggests the claimed methods and systems, either alone or in combination with Ausebel, Applicants respectfully submit that the present invention is not obvious over these references. Accordingly, withdrawal of the present rejections is respectfully requested.

The present application is believed to be in condition for allowance. Should the Examiner not deem the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at (703) 744-8029 to discuss any matter relating to this application.

A marked up version of the amendments made herein is attached hereto and entitled "Version With Markings to Show Changes Made."

Dated: December 17, 2002

Respectfully submitted,

By Kristina M. Castellano
Kristina M. Castellano, Esq.
Registration No. 41,092

Patton Boggs LLP
8484 Westpark Drive
McLean, VA 22102
Telephone: (703) 744-8000
Fax: (703) 744-8001

Amendment Under 37 CFR § 1.111
USSN 09/425,739

Version With Markings to Show Changes Made

In the Specification:

The second full paragraph on page 1 of the specification is amended herein as follows:

“This application is related to copending U.S. Application Serial No. 09/390,026 (atty. Docket No. [7710.0001-00] 020748.0103), entitled “Systems and Methods For Buying and Selling Telecommunication Services Via a Network,” [and copending U.S. Application Serial No. 09/390,025 (Atty. Docket No. 7710.0002-00), entitled “Systems and Methods For Aggregating Buyers For the Purchase of Telecommunication Services Via a Network,” which are assigned to the same, are also incorporated herein by reference.] which is incorporated herein by reference. This application claims priority to U.S. Application Serial No. 09/390,025 filed on September 3, 1999, (Atty. Docket No. 020748.0102), entitled “Systems and Methods For Aggregating Buyers For the Purchase of Telecommunication Services Via a Network,” which is incorporated herein by reference.”